

REMARKS

This application has been reviewed in light of the Final Office Action mailed on December 31, 2009 and the Advisory Action mailed on March 10, 2010. Claims 1-5, 7-12, and 14-19 are pending, of which Claims 1 and 8 are in independent form. By the present amendment, Claims 1 and 8 have been amended. Claims 14-19 are newly added. Claims 6 and 13 have been previously cancelled. No new matter or issues are believed to be introduced by the amendments.

In the Final Office Action, Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0079225 to Peising et al. in view of U.S. Patent Application No. 2004/0034875 to Bulkowski et al. Applicant respectfully traverses the rejection.

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...pausing the received timebase, at unspecified time intervals, if the identification signal is not present...” (emphasis added)

The applied combination of Peising and Bulkowski fails to disclose and/or suggest at least “...pausing the received timebase, at unspecified time intervals, if the identification signal is not present,” as recited in amended independent Claim 1.

At pages 4-5 of the Final Office Action, the Examiner stated that Peising fails to mention “a timebase is included in the broadcast signal and pausing the timebase.” The Examiner relied on Bulkowski to cure such deficiencies. At page 2 of the Advisory Action, the Examiner stated that Bulkowski recites “the time pulses, which are associated with upcoming time base changes, have two associated times, such as time at which the change takes place, and a new time to set the time base at any time.” However, Peising and Bulkowski do not teach and/or suggest the additional feature(s) of independent Claim 1.

As understood by Applicant, Bulkowski relates to a method and apparatus that addresses and resolves the issues currently affecting the ability to offer Enhanced TV, in particular, those issues concerning timing and synchronization, interaction with other modules in the STB, and distribution. (Abstract)

Specifically, Bulkowski states that pause times may be specified in absolute time (UTC, GMT, or other), in the synthetic time base of the substream, or through any other mechanism that can be used to identify a time uniquely to the server (page 3, paragraph [0066]). Additionally, Bulkowski states that information transmitted by the announcements may consist of times, relative to the receipt of the announcement, that the enhancement should begin and end; times, also relative to the receipt of the announcement, during which the enhancement should be paused and its interface removed from the users perception (page 7, paragraph [0092]).

In other words, in Bulkowski, the pause occurs at predefined or predetermined time periods that are preset by a user. Moreover, Bulkowski, at page 7, paragraph [0093], further reinforces the concept that “pause Time” is preset by stating in Table 1 that time is in seconds after the receipt of the announcement at which the enhancement should be paused. Thus, the pauses are not determined in real-time, on-the-spot.

In contrast, in the present disclosure, and as recited in amended independent Claim 1, the pauses occur at unspecified time periods. The present disclosure states that it is possible to provide an apparatus for receiving a signal that is able to identify the absence of the timebase immediately, and accordingly pause the timebase. This ensures that any actions by the receiving device that are dependent on the timebase are not executed inadvertently. (Page 1, paragraph [0009]) In other words, the “pause” is not predefined for predetermined or preset time intervals. In fact, the “pause” occurs as a result of not detecting the identification signal. It is not known

ahead of time when and if the identification signal is present or not. This is a detection that occurs continuously, in real-time, as the streaming of the broadcast signal occurs, in order to pause and/or restart the broadcast signal.

Thus, the applied combination of Peising and Bulkowski clearly does not teach and/or suggest the feature(s) added to amended independent Claim 1.

Independent Claim 8 includes the same or similar limitations to those of Claim 1, and is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 1 and 8 and allowance thereof are respectfully requested.

Claims 2-5, 7, and 9-12 depend, directly or indirectly, from independent Claims 1 and 8 and contain all of the features of Claims 1 and 8. Therefore, for at least the reasons presented above for the patentability of Claims 1 and 8, it is respectfully submitted that Claims 2-5, 7, and 9-12 are also patentable over Peising and Bulkowski, taken alone or in any proper combination. Additionally, dependent Claims 2-5, 7, and 9-12 contain further patentable elements/features. Hence, withdrawal of the rejection with respect to Claims 2-5, 7, and 9-12 under 35 U.S.C. §103(a) and allowance of said claims are respectfully requested.

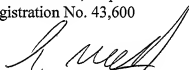
Applicant has further added new Claims 14-19. No new matter has been introduced by the addition of new Claims 14-19. Support for Claims 14-19 can be found throughout the entire specification. Applicant believes that these claims are patentably distinct over the prior art of record and respectfully request the allowance of these claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-5, 7-12, and 14-19, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

Kevin C. Ecker, Esq.
Registration No. 43,600



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By: Theodosios Kountotsis
Reg. No. 54238
Attorney for Applicant
631-501-5706

Mail all correspondence to:
Kevin C. Ecker, Esq.
Senior IP Counsel
Philips Electronics North America Corp.
P.O. Box 3001
Briarcliff Manor, New York 10510-8001
Phone: (914) 333-9618